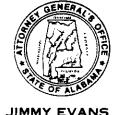
OFFICE OF THE ATTORNEY GENERAL



92-00333

JIMMY EVANS ATTORNEY GENERAL STATE OF ALABAMA

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July 10, 1992

Honorable Brice R. Paul Sheriff, Coffee County Courthouse 230 Court Street Elba, AL 36323

> Sheriffs - Deputies -Compensation - Employees, Employers, Employment

County commission determines number of deputies within requirements of general law and establishes range of salaries to be paid such officers. Sheriff has authority to determine within range established by commission the rate of pay of each officer.

Dear Sheriff Paul:

This opinion is issued in response to your request for an opinion from the Attorney General.

OUESTION

Does the county commission have the authority to refuse to allow the sheriff to provide salary increases to certain of his employees from surpluses in the salary allocation in his budget?

FACTS, LAW AND ANALYSIS

In your letter requesting this opinion you set forth that the county commission allocated a specific dollar amount for

Honorable Brice R. Paul Page 2

salaries in your department and jail budgets for the current fiscal year. It now appears that there will be a surplus in the salary allocation, and you would like to apply that surplus to salary increases for certain employees.

This office has previously held that a sheriff has the common-law power to appoint, suspend, and fire his deputies. The county governing body has the authority to determine the number and salaries of deputies, as well as to appropriate money for the overall budget of the sheriff's office. Section 11-3-13, Code of Alabama 1975; opinion to the Honorable Robert D. McWhorter, Jr., dated March 12, 1990, AG No. 90-00178. In this opinion we also held that the county commission determines the number of deputies and jailers to be appointed, within the requirements of the general law, and establishes the range of salaries to be paid such officers. The sheriff is responsible for choosing who shall serve as his deputies and, further, is responsible for the acts of these officers. In the opinion of this office the sheriff has the authority to determine, within the range established by the county commission, the rate of pay of each officer.

CONCLUSION

The county commission has the authority to determine the number of deputies to be employed by the sheriff, within the requirements of general law, and to establish the range of salaries to be paid such deputies. The sheriff is responsible for those officers and, as the appointing authority, has the authority to determine, within the range established by the county commission, the rate of pay of each officer.

I hope this sufficiently answers your question. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

JIMMY EVANS Attorney General

By:

James R. SOLOMON JR

JAMES R. SOLOMON, JR. Chief, Opinions Division

JE/PCD/jho 0933N